

REMARKS

In this response, Applicants add new independent claim 37. Independent claim 37 represents a partial combination of originally filed independent claim 1 and dependent claim 4. Applicants also amend claims 13 and 17 – 19 as discussed below. No new matter is added. In addition, Applicants cancel claims 21 – 36, without prejudice.

In the Office Action mailed 15 November 2005, the Examiner rejects independent claim 1 under 35 U.S.C. §102(b) as being anticipated by Hendrey (U.S. Patent Application Publication No. 2002/0107008). However, nothing in Hendrey teaches or suggests the presence server and the push-to-talk server of the push-to-talk controller claimed in claim 1. As such Hendrey cannot anticipate claim 1.

Claim 1 claims a push-to-talk controller in a wireless network that includes a presence server and a push-to-talk server. The claimed presence server manages location information and presence information, such as availability information, corresponding to push-to-talk mobile terminals (see p. 11, ll. 1 – 3). It is important to note that by using the term “presence server” in the claims, independent claim inherently manages the presence information as well as the explicitly claimed location information. As such, the claimed presence server does not simply represent a location server, but instead represents a server specific to a push-to-talk controller that provides location information in addition to the presence information associated with mobile terminals in the wireless network.

Applicants further note that the push-to-talk server of independent claim 1 represents a server specific to a push-to-talk controller. In addition to establishing and defining push-to-talk ad hoc communication sessions, the claimed push-to-talk server establishes a local ad hoc group session between an inviting mobile terminal and one or more local mobile terminals. As such, in addition to limiting the ad hoc communication session to the inviting and local mobile terminals, the claimed push-to-talk server performs functions specific to a push-to-talk controller.

In direct contrast, Hendrey describes a cellular communication system that uses a location aware telecommunication infrastructure, herein referred to as a location server, to identify one or more mobile terminals from a pre-defined group of mobile terminals located within a pre-defined distance of an inviting mobile terminal. Hendrey further uses a cellular communication system to establish a conventional cellular communication session between an inviting mobile terminal and the mobile terminals identified by the location server. Because Hendrey's location server only provides location information for one or more mobile terminals and/or stationary telephone devices relative to the inviting mobile terminal (paragraph [0044]), and because Hendrey's location server does not provide any type of presence information, Hendrey cannot anticipate the presence server of independent claim 1. In addition, Hendrey does not teach or suggest that the disclosed communication system is or includes a controller or server specific to push-to-talk networks. As such, Hendrey cannot anticipate the push-to-talk server of claim 1. For at least these reasons, Hendrey does not anticipate independent claim 1. Applicants respectfully request reconsideration.

As amended, independent claim 13 also uses a presence server to identify local mobile terminals, and uses a push-to-talk server to establish a push-to-talk communication session between an inviting mobile terminal and one or more local mobile terminals. Therefore, for substantially the same reasons presented above, Hendrey also does not anticipate independent claim 13. Applicants respectfully request reconsideration. Applicants note that in addition to amending claim 13, Applicants also amended claims 17 – 19 to conform the dependent claim language to that of amended independent claim 13.

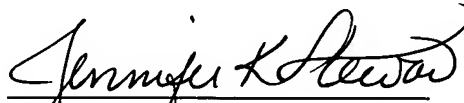
Because independent claims 1 and 13 are patentably distinct from the cited art, dependent claims 2 – 12 and 14 – 20 are necessarily patentably distinct from the cited art. For at least this reason, the remaining §102 and §103 rejections cited against the dependent claims are moot. Applicants therefore request reconsideration of rejected claims 1 – 20.

Applicants also added new independent claim 37. Like independent claim 1, independent claim 37 claims a push-to-talk controller comprising a presence server and a push-to-talk server. Therefore, for substantially the same reasons presented above, Hendrey does not anticipate new claim 37. In addition, the push-to-talk controller of claim 37 comprises a group server that filters the identified local mobile terminals based on a media type restriction identified by the inviting mobile terminal. While Hendrey teaches filtering a pre-defined group of mobile terminals based on personal information pertinent to the users of the local mobile terminals, such as name, heritage, hometown, religion, hobbies, etc., Hendrey does not teach filtering a pre-defined group of mobile terminals based on any type of media restriction. As such, Hendrey does not anticipate claim 37.

In light of the above remarks, Applicants submit that claims 1 – 20 and new claim 39 are patentably distinct over the cited art. As such, Applicants respectfully request that the Examiner reconsider the rejections and allow the application to move forward to allowance.

Respectfully submitted,

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